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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION,

Plaintiff,

v.

FARMINGTON CENTERS, INC.

CIVIL ACTION NO.

COMPLAINT

JURY TRIAL DEMAND

CV '07 1 4 1 PK 813

NATURE OF THE ACTION

This is an action under Title VII of the Civil Rights Act of 1964 and Title I of the Civil Rights Act of 1991 to correct unlawful employment practices and to provide appropriate relief to Anita Clark, and a class of similarly situated individuals, who were adversely affected by such

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practices. The Equal Employment Opportunity Commission (“EEOC” or “the Commission”) alleges that defendant Farmington Centers, Inc. (“Farmington Centers”) sexually harassed Ms. Clark, and other similarly situated individuals, because of their gender, creating a hostile work environment. EEOC further alleges that defendant caused the constructive discharge of Ms. Clark, and other similarly situated individuals, when it refused to adequately address their complaints of harassment. Plaintiff seeks monetary and injunctive relief, including pecuniary and nonpecuniary compensatory damages and punitive damages.

JURISDICTION AND VENUE

1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§451, 1331, 1337, 1343 and 1345. This action is authorized and instituted pursuant to Sections 706(f)(1) and (3) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §§ 2000e-5(f)(1) and (3) (“Title VII”), and Section 102 of the Civil Rights Act of 1991, 42 U.S.C. §1981a.

2. The employment practices alleged to be unlawful were committed within the jurisdiction of the United States District Court for the District of Oregon.

PARTIES

3. Plaintiff, the Equal Employment Opportunity Commission (the “Commission”), is the agency of the United States of America charged with the administration, interpretation and enforcement of Title VII, and is expressly authorized to bring this action by Section 706(f)(1) of Title VII, 42 U.S.C. §2000e-5(f)(1).

4. At all relevant times, defendant Farmington Centers, incorporated in the State of Oregon, has continuously been a corporation doing business in the State of Oregon, and has

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continuously had at least 15 employees.

5. At all relevant times, defendant has continuously been an employer engaged in an industry affecting commerce within the meaning of Sections 701(b), (g) and (h) of Title VII, 42 U.S.C. §§2000e-(b), (g) and (h).

STATEMENT OF CLAIMS

6. More than thirty days prior to the institution of this lawsuit, Anita Clark filed charges, initially with the Oregon Bureau of Labor and Industries, which were transferred to the Equal Employment Opportunity Commission, alleging violations of Title VII by defendant Farnington Centers. All conditions precedent to the institution of this lawsuit have been fulfilled.

7. From at least November 2005 to February 16, 2006, defendant engaged in unlawful employment practices at its Salem, Oregon facility in violation of §§ 703(a) of Title VII, 42 U.S.C. §§ 2000e-2(a). Defendant affected the terms and conditions of employment of Ms. Clark, and similarly situated individuals, by subjecting them to a sexually hostile work environment, and thus causing their constructive discharge.

8. The effect of the practices complained of in paragraph 7 above has been to deprive Ms. Clark, and similarly situated females, of equal employment opportunities and otherwise adversely affect their status as employees because of their gender.

9. The unlawful employment practices complained of in paragraph 7 above were intentional.

10. The unlawful employment practices complained of in paragraph 7 above were

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done with malice or with reckless indifference to the federally protected rights of Ms. Clark and similarly situated individuals.

PRAYER FOR RELIEF

Wherefore, the Commission respectfully requests that this Court:

A. Grant a permanent injunction enjoining defendant, its officers, successors, agents, assigns, and all persons in active concert or participation with it, from engaging in any other employment practice which discriminates on the bases of gender.

B. Order defendant to institute and carry out policies, practices, and programs which provide equal employment opportunities for all employees, and which eradicate the effects of its past and present unlawful employment practices.

C. Order defendant to make whole Ms. Clark, and similarly situated individuals, by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described in paragraph 7 above, including past and future out-of-pocket expenses, in amounts to be determined at trial.

D. Order defendant to make whole Ms. Clark, and similarly situated individuals, by providing compensation for past and future nonpecuniary losses resulting from the unlawful practices complained of in paragraph 7 above, including without limitation emotional pain, suffering, and loss of enjoyment of life, in amounts to be determined at trial.

E. Order defendant to pay Ms. Clark, and similarly situated individuals, punitive damages for its malicious and reckless conduct described in paragraph 7 above, in amounts to be determined at trial.

F. Grant such further relief as the Court deems necessary and proper in the public interest.

G. Award the Commission its costs of this action.

JURY TRIAL DEMAND

The Commission requests a jury trial on all questions of fact raised by its complaint.

DATED this 26th day of September, 2007.

WILLIAM R. TAMAYO
Regional Attorney

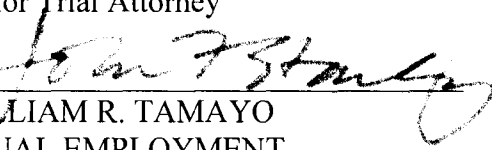
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